

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 28378 Permit 19662 License _____

**ORDER CORRECTING DESCRIPTION OF SOURCE
APPROVING ISSUANCE
OF SEPARATE PERMITS
AND
REVOCATION OF ORIGINAL PERMIT**

WHEREAS:

1. Permit 19662 Was issued to Elliot Roberts on October 15, 1985 pursuant to Application 28378.
2. Permit 19662 was subsequently assigned to Frederick K. Loehr and Michael F. Wills on December 1, 1993.
3. The reallocation of water rights under this permit is based on the modified decree for Water of San Gregorio Creek System as mandated by the Superior Court, San Mateo County under Judgement 390319, December 30, 1996.
4. A letter dated June 17, 1997 from Frederick K. Loehr and Michael F. Wills requested Permit 19662 be divided into two separate permits under separate ownerships. Mr. Loehr and Mr. Wills and David James Dorsey & Susan Dorsey have agreed to divide ownership of Permit 19662 as follows:

Frederick K. Loehr & Michael F. Wills

80% of Reservoir 145 with maximum capacity of
0.4 acre-foot.

100% of Reservoir 146 with maximum capacity of
5.0 acre-feet.

David James Dorsey & Susan Dorsey

20% of Reservoir 145 with maximum capacity of
0.1 acre-foot.

5. A letter dated August 10, 1997 from Frederick K. Loehr and Michael F. Wills advised the State Water Resources Control Board (SWRCB) of the sale of their property associated with Permit 19662 to Kurt and Deborah Gilson on July 21, 1997.
6. The SWRCB has determined the correction to the description of source and division of the permit does not constitute the initiation of a new right nor operate to the injury of any other legal owner of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permit 19662 be replaced by Permit 19662A issued to David James Dorsey and Susan Dorsey and Permit 19662B issued to Kurt Gilson and Deborah Gilson.
2. Superseded Permit 19662 is hereby revoked upon issuance of Permits 19662A and 19662B.

3. **Permit 19662A**

Owner:

Application 28378A
David James Dorsey and
Susan Dorsey
2655 Bear Gulch Road
Woodside, CA 94062

Source (s):

1) Unnamed Stream tributary to
Unnamed Stream (AKA North Branch
Bogess Creek) thence Bogess Creek
thence San Gregorio Creek in
San Mateo County.

2) Unnamed Spring (AKA Oaks Spring
No. 148A) tributary to Unnamed
Stream thence Unnamed Stream (AKA
thence Unnamed Stream (AKA South
Branch Bogess Creek) thence Bogess
Creek thence San Gregorio Creek in
San Mateo County.

Use:

Fire Protection, Recreation,
and Stockwatering

Amount:

0.1 acre-foot-Reservoir No. 145
Rate to offstream storage:
1.4 cubic feet per second
(includes Permit 19662B)

Season:

November 1 to March 31

Point (s) of
Diversion:

1) Diversion No. 145-North 32°
East, 1,250 feet from SW corner of
projected Section 33, T6S, R4W,
MDB&M, being within the SW¼ of SW¼
of said Section 33, also described
as California Coordinate System,
Zone 3, N 319,200 and E 1,474,000.

2) Diversion No. 148A-North 50°
West 2,700 feet from SE corner of
projected Section 33, T6S, R4W,
MDB&M, being within the NW¼ of SE¼
of said Section 33, also described
as California Coordinate System,
Zone 3, N 319,650 and
E 1,476,150.

Place of Use: Reservoir No. 145, within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 33, T6N, R4W, MDB&M, as shown on map dated 12/97 on file with the SWRCB.

Permit 19662B
Owner:

Application 28378B
Kurt Gilson and Deborah Gilson
3155 Bear Gulch Road
Woodside, CA 94602

Source (s):

1) Unnamed Stream tributary to Unnamed Stream (AKA North Branch Bogess Creek) thence to Bogess Creek thence San Gregorio Creek in San Mateo County.

2) Unnamed Stream tributary to Unnamed Stream (AKA North Branch Bogess Creek) thence Bogess Creek thence San Gregorio Creek in San Mateo County.

3) Unnamed Spring (AKA Oaks Spring No. 148B) tributary to Unnamed Stream thence Unnamed Stream (AKA South Branch Bogess Creek) thence Bogess Creek thence San Gregorio Creek in San Mateo County.

Use:

Fire Protection, Recreation, and Stockwatering

Amount:

1) 0.4 acre-foot-Reservoir 145
2) 5.0 acre-feet-Reservoir 146
Rate to offstream storage:
1.4 cubic feet per second-
(includes Permit 19662A)
maximum Annual Use: 5.4 acre-feet

Season:

November 1 to March 31

Point (s) of Diversion:

1) Diversion No. 145-North 32° East, 1,250 feet from SW corner of projected Section 33, T6S, R4W, MDB&M, being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33, also described as California Coordinate System, Zone 3, N 319,200 and E 1,474,000.

2) Diversion No. 146 North 56° East, 1,300 feet from SW corner of projected Section 33, T6N, R4W, MDB&M, being within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33, also described as California Coordinate System, Zone 3, N 318,000 and E 1,474,450.

3) Diversion 148B-North 50° West,
2,700 feet from SE corner of
projected Section 33, T6S, R4W,
MDB&M, being within the NW¼ of SE¼
of said Section 33, also described
as California Coordinate System,
Zone 3, N 319,650 and E 1,476,150.

Place of Use:

Reservoir No. 145, within SW¼ of
SW¼ of projected Section 33, T6N,
R4W, MDB&M, as shown on map dated 12/97 on file
with the SWRCB.

Reservoir No. 146, within SW¼ of SW¼
of projected Section 33, T6N, R4W,
MDB&M, as shown on map dated 12/97 on file with
the SWRCB.

4. Permits 19662A and 19662B shall contain all other terms and
conditions presently in 19662 or updated versions for
compliance with the SWRCB's policy.

Dated: **MARCH 18 1998**

to *Roger Phum*
Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 28378 Permit 19662 License

**ORDER APPROVING A
NEW DEVELOPMENT SCHEDULE**

WHEREAS:

1. Permit 19662 was issued to Elliot Roberts on October 15, 1985 pursuant to Application 28378.
2. Permit 19662 was subsequently assigned to Frederick K. Loehr and Michael F. Wills.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:


1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2000

(0000009)

Dated: **NOVEMBER 17 1994**

for 
Edward C. Anton, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT **19662**Application 28378 of Elliot Roberts3155 Bear Gulch Road, Woodside, California 94062filed on January 24, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream (1,2)Bogess Creek thenceSan Gregorio CreekUnnamed Spring (3)Bogess Creek thenceSan Gregorio Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
1) North 32° East, 1,250 feet from SW corner of projected Section 33	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	6S	4W	MD
2) North 56° East, 1,300 feet from SW corner of projected Section 33	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	6S	4W	MD
3) North 50° West, 2,700 feet from SE corner of projected Section 33	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	33	6S	4W	MD

County of San Mateo

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
Fire Protection						
Recreation						
Stockwatering	Reservoir No. 145 and 146 within SW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	6S	4W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 5.5 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year as follows: (1) 0.5 acre-foot per annum in Reservoir 145, (2) 5.0 acre-feet per annum in Reservoir 146. 0000005 ✓

The maximum rate of diversion to offstream storage shall not exceed 1.4 cubic feet per second. 0000005 ✓

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. 0000006 ✓

7. Complete application of the water to the authorized use shall be made by December 1, 1989. 0000009 ✓

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. 0000010 ✓

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. 0000011 ✓

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. 0000012 ✓

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. 0000013 ✓

12. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion at the unnamed stream. 0000012 ✓

13. After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. 0000041 ✓

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCTOBER 15 1985

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash
Chief, Division of Water Rights